

REMARKS

Claims 1-12 are pending of which claims 1, 6, 8, 11 and 12 are independent. In this Amendment, claims 11 and 12 have been amended to change the recited subject matter to read “A computer-readable recording medium, storing a program executable by a computer...” Care has been undertaken not to introduce new matter.

Claim Rejections Under 35 U.S.C. §101

Claims 11 and 12 were rejected under 35 U.S.C. §101 because the claimed invention, i.e. “A program” is directed to non-statutory subject matter. In response, the claim language “A program” has been changed to “A computer-readable recording medium, storing a program, etc.” Therefore, the rejections are respectfully traversed.

Claim Rejections Under 35 U.S.C. §102

Claims 1-3 and 5-12 were rejected under 35 U.S.C. §102(e) as being anticipated by Hatta et al. (U.S. Publication No. 2005/0117948, hereinafter “Hatta”).

Claim 1, in pertinent part, recites “a color space conversion element for converting said first printing-specific photograph data into second printing-specific photograph data, said second printing-specific photograph data being digital data represented in a CMYK color system,” and “a correction element for correcting said second printing-specific photograph data.” As illustrated in FIGS. 3 and 8, one example of what is claimed in claim 1, the image conversion processor 53 converts the printing specific photograph data in the RGB color system into printing-specific photograph data in the CMYK color system and then performs a image correction on the CMYK -converted printing specific photograph data according to the recipe

file. (See paragraphs [0047] and [0064]-[0067] of the application-as-published) Hatta fails to disclose the limitations of claim 1.

Turning to Hatta, and referring to the disclosure in FIG. 19, on which the Examiner relied to disclose the “correction element,” image data of printout 336 and master sheet 388 are captured to update printer ICC profiles. Differences in color between the printout 336 and the master sheet 388 are detected and are reflected on new ICC profiles. However, Hatta’s disclosure does not address correction of photographic data in the CMYK color system using the ICC profiles. (See paragraphs [0221]-[0223]) Furthermore, the printer server 34, which utilizes the ICC profile, carries out perceptual color matching based on the ICC profile before the print image data going through the conceptual matching are converted from RGB to CMYK in printer drivers 35A, 35 B. (See paragraph [0099]) On the contrary, the “color space conversion element convert(s) said first printing-specific photograph data (RGB) into second printing-specific photograph data (CMYK),” and the “second printing -specific photograph data” are corrected after being converted to photograph data represented in the CMYK color system.

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), based on the foregoing, it is submitted that Hatta does not anticipate claim 1, nor any claim dependent thereon. Thus, claim 1 and claims dependent thereon are patentable over Hatta.

Independent claims 6, 8, 11 and 12 including the same limitation of claim 1 and claims dependent thereon are patentable over Hatta for the same reasons.

Claim Rejections Under 35 U.S.C. §103

Claim 4 was rejected under 35 U.S.C. §103(a) as being unpatentable over Hatta.

As addressed above, Tillman fails to disclose the limitation of claim 1, “a color space conversion element for converting said first printing-specific photograph data into second printing-specific photograph data, said second printing-specific photograph data being digital data represented in a CMYK color system,” and “a correction element for correcting said second printing-specific photograph data.”

Accordingly, as each and every limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness (*see*, M.P.E.P. § 2143.03) and for at least the foregoing reasons, Hatta fails to do so. It is respectfully submitted that dependent claim 4, which includes the limitations of claim 1, are patentable over Hatta.

Conclusion

Upon entry of the above claim amendments, claims 1-12 remain active in this application. Applicant submits that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

Application No.: 10/619,492

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Stephen A. Becker

Registration No. 26,527

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 SAB:HL:lcb
Facsimile: 202.756.8087
Date: November 6, 2007

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